

UNOFFICIAL VERSION

THURSDAY, JUNE 11, 2020

SIXTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Sexton.

The proceedings were opened with prayer by Rep. Hazlewood.

Representative Hazlewood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 90

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 90

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Cooper

Representative Camper; personal

Representative Potts; illness

Representative Terry; business

Representative T. Hill

Representative Powers; personal

PRESENT IN CHAMBER

Rep. DeBerry was recorded as being present in the Chamber.

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SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 338 Reps. Clemmons, Weaver, Byrd, Bricken, Beck, Calfee, Littleton, Thompson, Powell, Mitchell, Holsclaw, Curcio, Tillis, Kumar, Garrett, Sherrell and Ogles as prime sponsors.

House Joint Resolution No. 1225 Reps. Williams, Cochran and Russell as prime sponsors.

House Bill No. 1846 Reps. Moody, Crawford and Williams as prime sponsors.

House Bill No. 2702 Reps. Todd, Hurt, Helton, Ogles, Parkinson, Chism, Calfee, Cochran and Hardaway as prime sponsors.

House Bill No. 2842 Reps. Lamberth and Love as prime sponsors.

MESSAGE FROM THE SENATE

June 11, 2020

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1310, 1330, 1331, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341 and 1342; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 1310** -- General Assembly, Statement of Intent or Position - Urges Congress and President to develop policies dedicated to the repatriation and growth of medical manufacturing in the United States. by *Dickerson, *Johnson, *Crowe, *Gardenhire.

***Senate Joint Resolution No. 1330** -- Memorials, Death - Johnny Majors. by *Massey, *Briggs, *McNally, *Akbari, *Bailey, *Bell, *Bowling, *Crowe, *Gardenhire, *Gilmore, *Gresham, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Kyle, *Lundberg, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Robinson, *Rose, *Southerland, *Stevens, *Watson, *White, *Yager, *Yarbro.

***Senate Joint Resolution No. 1331** -- Memorials, Retirement - Carol Camp White. by *Dickerson, *Gilmore, *McNally.

***Senate Joint Resolution No. 1333** -- Memorials, Recognition - Lieutenant Ryan Holt. by *Southerland, *Crowe.

***Senate Joint Resolution No. 1334** -- Memorials, Retirement - Janell Cecil. by *Massey, *Briggs.

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***Senate Joint Resolution No. 1335** -- Memorials, Recognition - Daniel Chandler. by *Southerland, *Crowe.

***Senate Joint Resolution No. 1336** -- Memorials, Recognition - Tony Hysmith, Henderson-Chester County Chamber of Commerce Outstanding Citizen of the Year. by *Gresham.

***Senate Joint Resolution No. 1337** -- Memorials, Death - Grady W. Turnbow, Jr. by *Gresham.

***Senate Joint Resolution No. 1338** -- Memorials, Death - John David Adams. by *Gresham.

***Senate Joint Resolution No. 1339** -- Memorials, Death - Dorothy Irene Walker Mabry. by *Gresham.

***Senate Joint Resolution No. 1340** -- Memorials, Death - Loyd King. by *Gresham.

***Senate Joint Resolution No. 1341** -- Memorials, Death - Micheal Ann Russell. by *Gresham.

***Senate Joint Resolution No. 1342** -- Memorials, Personal Occasion - Alene Chambers Pettigrew, 100th birthday. by *Gresham.

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 1355; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 1355** -- Memorials, Recognition - Bill Rader, Facilities Management Director. by *Roberts, *McNally.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative Lamberth was recognized in the Well to honor Rep. Andy Holt upon his retirement from the General Assembly.

RESOLUTION READ

The Clerk read House Joint Resolution No. 1088, adopted June 2, 2020.

***House Joint Resolution No. 1088** -- Memorials, Public Service - Representative Andy Holt. by *Faison, *Lamberth, *Sexton C. (*Southerland)

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EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Carter

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for June 15, 2020:

House Resolution No. 339 -- Memorials, Professional Achievement - Stephanie Newson. by *Smith.

House Resolution No. 340 -- Memorials, Congratulations - Memorializes the mainstream media for sensationalism to advance their political agendas. by *Van Huss.

House Resolution No. 341 -- Memorials, Recognition - Greeneville Woman's Club, 50th Annual Holiday Bazaar. by *Hawk.

House Resolution No. 342 -- Memorials, Interns - Halmat Tayip. by *Hakeem.

House Resolution No. 343 -- Memorials, Congratulations - Congratulates the House of Representatives for recognizing the need to amend the Constitution of this State to ensure that each bill passed by a house of the General Assembly is voted upon by both houses prior to adjournment. by *Van Huss, *Ogles, *Doggett, *Haston, *Weaver, *Tillis, *Ragan, *Rudd, *Hulsey, *Eldridge, *Grills, *Todd, *Holt, *Griffey, *Bricken, *Leatherwood, *Sexton J, *Crawford, *Daniel, *Littleton, *Moody, *Calfee, *Cepicky, *Rudder.

House Resolution No. 344 -- Memorials, Recognition - Zee Thomas, Teens4Equality. by *Hardaway, *Parkinson, *Shaw, *Love, *Clemmons, *Mitchell, *Hodges, *Freeman, *Hakeem, *Johnson G, *Lamar, *Powell, *DeBerry, *Miller, *Beck, *Jernigan, *Thompson.

House Resolution No. 345 -- Memorials, Recognition - Kennedy Green, Teens4Equality. by *Dixie, *Lamar, *Parkinson, *Shaw, *Love, *Clemmons, *Mitchell, *Hodges, *Freeman, *Hakeem, *Johnson G, *Powell, *Hardaway, *DeBerry, *Beck, *Jernigan, *Miller, *Thompson.

House Resolution No. 346 -- Memorials, Recognition - Mikayla Smith, Teens4Equality. by *Stewart, *Parkinson, *Shaw, *Love, *Clemmons, *Mitchell, *Hodges, *Freeman, *Hakeem, *Johnson G, *Lamar, *Powell, *Hardaway, *DeBerry, *Beck, *Jernigan, *Miller, *Thompson.

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House Resolution No. 347 -- Memorials, Recognition - Nya Collins, Teens4Equality. by *Freeman, *Parkinson, *Shaw, *Love, *Clemmons, *Mitchell, *Hodges, *Hakeem, *Johnson G, *Lamar, *Powell, *Hardaway, *DeBerry, *Beck, *Jernigan, *Miller, *Thompson.

House Resolution No. 348 -- Memorials, Recognition - Emma Rose Smith, Teens4Equality. by *Powell, *Clemmons, *Shaw, *Love, *Freeman, *Mitchell, *Hodges, *Hakeem, *Johnson G, *Lamar, *Hardaway, *DeBerry, *Miller, *Beck, *Jernigan, *Thompson.

House Resolution No. 349 -- Memorials, Recognition - Jade Fuller, Teens4Equality. by *Parkinson, *Love, *Shaw, *Clemmons, *Freeman, *Mitchell, *Hodges, *Lamar, *Hakeem, *Johnson G, *Powell, *Hardaway, *DeBerry, *Miller, *Beck, *Jernigan, *Thompson.

***House Joint Resolution No. 1226** -- Memorials, Sports - South Side High School Hawks basketball team. by *Todd.

***House Joint Resolution No. 1227** -- Memorials, Recognition - Greeneville Woman's Club, 50th Annual Holiday Bazaar. by *Hawk.

***House Joint Resolution No. 1228** -- Memorials, Personal Occasion - Luna B. Cantrell, 100th birthday. by *Grills.

***House Joint Resolution No. 1229** -- Memorials, Recognition - General James Norman Mattis, United States Marine Corps (ret.). by *Hodges, *Parkinson, *Stewart, *Clemmons, *Johnson G, *Windle, *Freeman, *Wright, *DeBerry, *Jernigan.

***House Joint Resolution No. 1230** -- Memorials, Professional Achievement - Dr. Nancy Williamson, University of Tennessee Educators Hall of Fame. by *Keisling.

***House Joint Resolution No. 1231** -- Memorials, Retirement - Robin Roberts. by *Keisling.

***House Joint Resolution No. 1232** -- Memorials, Professional Achievement - Kayla Jenkins, George Foster Award and Hicks Outstanding New Extension Worker Award. by *Keisling.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for June 15, 2020:

***Senate Joint Resolution No. 1330** -- Memorials, Death - Johnny Majors. by *Massey, *Briggs, *McNally, *Akbari, *Bailey, *Bell, *Bowling, *Crowe, *Gardenhire, *Gilmore, *Gresham, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Kyle, *Lundberg, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Robinson, *Rose, *Southerland, *Stevens, *Watson, *White, *Yager, *Yarbro.

***Senate Joint Resolution No. 1331** -- Memorials, Retirement - Carol Camp White. by *Dickerson, *Gilmore, *McNally.

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***Senate Joint Resolution No. 1333** -- Memorials, Recognition - Lieutenant Ryan Holt. by *Southerland, *Crowe.

***Senate Joint Resolution No. 1334** -- Memorials, Retirement - Janell Cecil. by *Massey, *Briggs.

***Senate Joint Resolution No. 1335** -- Memorials, Recognition - Daniel Chandler. by *Southerland, *Crowe.

***Senate Joint Resolution No. 1336** -- Memorials, Recognition - Tony Hysmith, Henderson-Chester County Chamber of Commerce Outstanding Citizen of the Year. by *Gresham.

***Senate Joint Resolution No. 1337** -- Memorials, Death - Grady W. Turnbow, Jr. by *Gresham.

***Senate Joint Resolution No. 1338** -- Memorials, Death - John David Adams. by *Gresham.

***Senate Joint Resolution No. 1339** -- Memorials, Death - Dorothy Irene Walker Mabry. by *Gresham.

***Senate Joint Resolution No. 1340** -- Memorials, Death - Loyd King. by *Gresham.

***Senate Joint Resolution No. 1341** -- Memorials, Death - Micheal Ann Russell. by *Gresham.

***Senate Joint Resolution No. 1342** -- Memorials, Personal Occasion - Alene Chambers Pettigrew, 100th birthday. by *Gresham.

***Senate Joint Resolution No. 1355** -- Memorials, Recognition - Bill Rader, Facilities Management Director. by *Roberts, *McNally.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1608 -- Transportation, Dept. of - As introduced, requires the commissioner to provide a report to the chairs of the transportation and safety committee of the senate and the transportation committee of the house of representatives whenever rules are promulgated regulating equipment required for vehicles as a condition to using the system of state highways or establishing particular highways upon which commercial motor vehicles may operate. - Amends TCA Title 55. by *Massey, *Gillmore. (*HB1594 by *Howell)

Senate Bill No. 2207 -- Motor Vehicles - As introduced, extends, from September 30 to October 15 of each year, the deadline by which the governing committee of the Tennessee automobile insurance plan must submit its annual financial report to the department of commerce and insurance. - Amends TCA Title 4; Title 6; Title 7; Title 12; Title 42; Title 47,

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Chapter 18; Title 54; Title 55; Title 56; Title 65 and Title 67. by *Johnson. (*HB1593 by *Whitson, *Gant, *Marsh, *Lamberth, *Travis, *Jernigan)

Senate Bill No. 2312 -- Hospitals and Health Care Facilities - As introduced, makes various changes to the certificate of need process for healthcare facilities and services. - Amends TCA Title 68, Chapter 11, Part 16. by *Gardenhire, *Reeves, *Watson, *Jackson, *Crowe, *Stevens. (*HB2350 by *Smith, *Daniel, *Sherrell, *Hardaway)

Senate Bill No. 2667 -- Lottery, Charitable - As introduced, authorizes qualified nonprofit organizations to file an application to operate an annual event in the July 1, 2020, to June 30, 2021, fiscal year. - Amends TCA Title 3. by *Briggs. (*HB2842 by *Farmer, *Carter, *Hicks, *Lamberth, *Love)

Senate Bill No. 2681 -- Real Property - As introduced, increases from 15 days to 15 business days, the time period in which a person must endeavor to serve notice of a claim against a contractor, subcontractor, supplier, or design professional related to an alleged construction defect following discovery of the alleged defect. - Amends TCA Title 28 and Title 66. by *Rose, *Johnson. (*HB2706 by *Gant)

Senate Bill No. 2734 -- Sentencing - As introduced, removes requirement that a person convicted of a drug offense in a drug-free school zone must serve the entire minimum sentence imposed before being eligible for release on parole; decreases the drug-free school zone from 1,000 feet to 500 feet; makes various changes to sentencing requirements for certain controlled substance violations. - Amends TCA Title 16, Chapter 2; Title 39, Chapter 17, Part 4 and Section 49-2-116. by *Bell, *Gilmore, *Akbari, *Stevens, *Yarbro. (*HB2517 by *Curcio, *Hulsey, *Faison, *Whitson, *Cepicky, *Dunn, *Tillis, *Farmer, *Van Huss, *Sherrell, *Daniel, *Eldridge, *Hazlewood, *Love, *Carter, *Dixie, *Staples, *Camper)

Senate Bill No. 2741 -- Courts - As introduced, allows a court to temporarily hold court proceedings in a courthouse or other room located outside the county seat under specific circumstances. - Amends TCA Section 16-1-105. by *Bell. (*HB2768 by *Carter, *Russell, *Calfee)

Senate Bill No. 2843 -- Consumer Protection - As introduced, increases from 10-point to 12-point the size of type required on the statements health clubs must provide regarding a buyer's right to cancel and the implications of paying an agreement in full. - Amends TCA Title 47, Chapter 18, Part 3. by *Niceley. (*HB2859 by *Vaughan)

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 11, 2020**, reported the following:

FINANCE, WAYS, AND MEANS COMMITTEE

The Finance, Ways, and Means Committee recommended for passage: House Bill No. 2842 and Senate Joint Resolutions Nos. 648 and 178, also House Bill No. 2201 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

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JUDICIARY COMMITTEE

The Judiciary Committee recommended for passage: House Bills Nos. 2458, 1948, 2275 and 547 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It Further recommended that the following be referred to the Finance, Ways and Means Committee: House Bills Nos. 1553, 1471 and 2620 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE COMMITTEE

The State Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Joint Resloution No. 815, also House Bill No. 2842 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **June 15, 2020**: House Bills Nos. 2842, 2113, 2093, 1862, 2643, 2867, 2126, 2859, 2706, 2578, 2768, 2881, 2625, 1991, 2900, 2904, 2926, 2303, 2639, 2050, 2708, 2714, 2278, 2914, 2395, 1131, 2623, 1594, 1760, 2785, 1976, 2283, 2275, 547, Senate Joint Resolutions Nos. 178, 648, House Bill No. and 2201.

It further reports that it set the following bills and resolutions on the **Regular Calendar** for **June 17, 2020**: House Bill No. 2263.

It further reports that it set the following bills and resolutions on the **Consent Calendar** for **June 15, 2020**: House Bills Nos. 2910, 2928, 2921, 1819, 2927, 2929, 2911, 2210, 2621, 2916, 2920, 2912.

CONSENT CALENDAR

House Resolution No. 336 -- Memorials, Recognition - 65 Roses Month for Cystic Fibrosis Awareness, June 2020. by *Freeman.

House Resolution No. 337 -- Memorials, Recognition - John Paul Watson, Pioneer Award, Tennessee School Plant Management Association. by *Hicks.

House Resolution No. 338 -- Memorials, Recognition - Veterans Awareness Day, March 26, 2020. by *Freeman, *Whitson, *Windle, *Parkinson, *Moon, *Stewart, *Clemmons, *Weaver, *Byrd, *Bricken, *Beck, *Calfee, *Littleton, *Thompson, *Powell, *Mitchell, *Holsclaw, *Curcio, *Tillis, *Kumar, *Garrett, *Sherrell, *Ogles.

***House Joint Resolution No. 1223** -- Memorials, Retirement - Kathy McLean. by *Grills.

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***House Joint Resolution No. 1224** -- Memorials, Recognition - Erin Brooke Welch, State FFA President. by *Grills.

***House Joint Resolution No. 1225** -- Memorials, Recognition - Tennessee National Guard 278th Armored Cavalry Regiment. by *Hicks, *Williams, *Cochran, *Russell.

***Senate Joint Resolution No. 1318** -- Memorials, Recognition - Eastman, 100th anniversary. by *Lundberg, *McNally, *Crowe.

***Senate Joint Resolution No. 1329** -- Memorials, Sports - East Tennessee State University Buccaneers men's basketball team. by *Crowe.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hodges, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1846** -- Juvenile Offenders - As introduced, requires juvenile court petitions and orders to be open to public inspection if the delinquent act would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult; prohibits expunction of a juvenile's record relating to a delinquent act that would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult. - Amends TCA Title 37. by *Howell, *Griffey, *Ragan, *Moody, *Crawford, *Williams. (SB2747 by *Bell)

On motion, House Bill No. 1846 was made to conform with **Senate Bill No. 2747**; the Senate Bill was substituted for the House Bill.

Rep. Howell moved that Senate Bill No. 2747 be passed on third and final consideration.

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Rep. Curcio moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2747 by deleting the effective date section and substituting instead the following:

SECTION _____. This act shall take effect October 1, 2020, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Gant moved the previous question, which motion prevailed by the following vote:

Ayes 68
Noes..... 21

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hill M, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--68

Representatives voting no were: Beck, Chism, Clemmons, DeBerry, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Miller, Mitchell, Parkinson, Powell, Shaw, Staples, Stewart, Thompson, Towns--21

Rep. Howell moved that **Senate Bill No. 2747**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 69
Noes..... 14
Present and not voting..... 7

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hill M, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Chism, Clemmons, Dixie, Hakeem, Hardaway, Johnson G, Lamar, Love, Miller, Parkinson, Shaw, Staples, Stewart, Towns--14

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Representatives present and not voting were: Beck, DeBerry, Freeman, Hodges, Mitchell, Powell, Thompson--7

A motion to reconsider was tabled.

House Bill No. 2726 -- Health, Dept. of - As introduced, prohibits a board under the division of health related boards from renewing the license of a licensee who has not paid the licensee's renewal fee and is currently incarcerated; clarifies that emergency summary suspension or revocation of a health care provider's license by a licensing board does not require the prior approval of the attorney general. - Amends TCA Title 4; Title 29, Chapter 26; Title 63 and Title 68. by *Vaughan, *Sexton C, *Sherrell. (*SB1894 by *Haile)

Further consideration of House Bill No. 2726, previously considered on June 9, 2020 at which time it was reset for today's Regular Calendar.

Rep. Vaughan moved that House Bill No. 2726 be passed on third and final consideration.

Rep. Helton moved adoption of Health Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2726 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-218, is amended by deleting the section and substituting the following:

(a) The chief administrative official of each hospital or other facility shall report to the respective licensing board, committee, council, or agency the following:

(1) Any disciplinary action taken concerning any person licensed under title 63 or this title, when the action is related to professional ethics, professional incompetence, negligence, moral turpitude, or drug or alcohol abuse; and

(2) Any information that the chief administrative official reasonably believes indicates that a person licensed under title 63 or this title:

(A) Inappropriately prescribed a controlled substance;

(B) Diverted a controlled substance;

(C) Engaged in sexual activity with a patient;

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(D) Has a mental or physical impairment that prevents the person from safely practicing the licensed profession;

(E) Acted with incompetence; or

(F) Engaged in unethical or unprofessional conduct.

(b) A report to a licensing board, committee, council, or agency made pursuant to subsection (a) must be in writing and must be made within sixty (60) days of:

(1) The date of a disciplinary action described in subdivision (a)(1); or

(2) The date the chief administrative official first obtains the information described in subdivision (a)(2).

(c) For purposes of this section, "disciplinary action" includes termination, suspension, reduction, or resignation of hospital privileges for any of the reasons listed in subsection (a).

(d) Notwithstanding § 63-1-150, § 63-6-228, or any other provision to the contrary, the hospital or facility shall make available to the respective licensing board, committee, council, or agency, for examination all records pertaining to a disciplinary action described in subdivision (a)(1) or information described in subdivision (a)(2).

(e) Any individual who, as a member of any committee, an employee, or a contractor of any hospital or facility, files a report pursuant to this section, is immune from liability to the extent provided in § 63-1-150.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to disciplinary actions taken or information first received on or after the effective date of this act.

On motion, Health Committee Amendment No. 1 was adopted.

CHAIR TO SPEAKER PRO TEMPORE

Speaker Sexton relinquished the gavel to Speaker Pro Tempore Dunn.

REGULAR CALENDAR, CONTINUED

Rep. Vaughan moved that **House Bill No. 2726**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86

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Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hill M, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary--86

A motion to reconsider was tabled.

House Bill No. 2702 -- Public Employees - As introduced, clarifies that the current prohibition against traffic offense citation quotas is applicable to public officials or public employees; creates a Class B misdemeanor offense, subject to fine only, for officials and employees violating that prohibition. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 38; Title 39 and Title 40. by *Doggett, *Griffey, *Haston, *Todd, *Hurt, *Helton, *Ogles, *Parkinson, *Chism, *Calfee, *Cochran, *Hardaway. (*SB2458 by *Roberts, *Haile, *Pody, *Stevens)

On motion, House Bill No. 2702 was made to conform with **Senate Bill No. 2458**; the Senate Bill was substituted for the House Bill.

Rep. Doggett moved that Senate Bill No. 2458 be passed on third and final consideration.

Rep. Keisling moved adoption of State Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2458 by deleting the effective date section and substituting instead the following:

SECTION _____. This act shall take effect October 1, 2020, the public welfare requiring it.

On motion, State Committee Amendment No. 1 was adopted.

Rep. Doggett moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Marsh moved the previous question, which motion prevailed.

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CHAIR TO SPEAKER

Mr. Speaker Sexton resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Doggett moved that **Senate Bill No. 2458**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary--91

A motion to reconsider was tabled.

***House Bill No. 1548** -- Holidays and Days of Special Observance - As introduced, designates the month of April as "Health and Beauty Month." - Amends TCA Title 15, Chapter 2. by *Parkinson, *Thompson, *Stewart, *Chism, *Sparks. (SB1835 by *Akbari)

Further consideration of House Bill No. 1548, previously considered on June 8, 2020, at which time it was rest for today's Regular Calendar.

Rep. Parkinson moved that House Bill No. 1548 be passed on third and final consideration.

Rep. Windle moved adoption of Naming, Designating, & Private Acts Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1548 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 15, Chapter 2, is amended by adding the following as a new section:

The month of April is observed as "Barber, Beauty, and Health Month" in this state to recognize the contributions of Tennesseans to the health and beauty

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industry, to honor those persons who work in the health and beauty industry, to recognize those persons who work to help this state become the best in the nation for natural hair care and cosmetology, and to remind Tennesseans of the importance of maintaining proper health and wellness.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Naming, Designating, & Private Acts Committee Amendment No. 1 was adopted.

Rep. Casada moved the previous question, which motion prevailed.

Rep. Parkinson moved that **House Bill No. 1548**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes	44
Noes.....	4
Present and not voting.....	35

Representatives voting aye were: Beck, Boyd, Byrd, Casada, Chism, Clemmons, Coley, Curcio, DeBerry, Dixie, Dunn, Faison, Farmer, Freeman, Hakeem, Halford, Hall, Hardaway, Hazlewood, Hicks, Hill M, Hodges, Holt, Jernigan, Johnson G, Keisling, Kumar, Lamar, Love, Lynn, Miller, Mitchell, Parkinson, Powell, Ramsey, Shaw, Sparks, Staples, Stewart, Thompson, Vaughan, White, Whitson, Windle--44

Representatives voting no were: Sexton J, Smith, Van Huss, Zachary--4

Representatives present and not voting were: Baum, Bricken, Calfee, Carr, Cepicky, Cochran, Crawford, Daniel, Doggett, Eldridge, Gant, Garrett, Griffey, Grills, Haston, Hawk, Helton, Holsclaw, Hurt, Johnson C, Lafferty, Lamberth, Littleton, Moody, Moon, Ogles, Ragan, Rudd, Rudder, Russell, Sherrell, Tillis, Todd, Williams, Wright--35

House Bill No. 1548, having failed to receive a constitutional majority, was thereby referred to the Committee on Calendar and Rules.

RECESS MOTION

Rep. Lamberth moved that the House stand in recess until 3:30 p.m. today, which motion prevailed.

RECESS EXPIRED

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The recess having expired, the House was called to order by Mr. Speaker Sexton.

ROLL CALL DISPENSED

On motion of Rep. Lamberth the roll call was dispensed with.

RECOGNITION IN THE WELL

Representative Faison was recognized in the Well to honor Speaker Pro Tempore Dunn upon his retirement from the General Assembly.

RESOLUTION READ

The Clerk read House Joint Resolution No. 1087, adopted June 2, 2020.

***House Joint Resolution No. 1087** -- Memorials, Public Service - Representative Bill Dunn. by *Faison, *Lamberth, *Sexton C. (*Massey, *Lundberg, *Powers, *Briggs, *Gilmore, *Southerland)

REGULAR CALENDAR, CONTINUED

***Senate Joint Resolution No. 1315** -- Memorials, Death - Ashanti Nikole Posey. by *Yarbro. (*Clemmons)

Further consideration of Senate Joint Resolution No. 1315, previously considered on the Consent Calendar for June 10, 2020, at which time it was objected to and reset for today's Regular Calendar.

Rep. Love moved that **Senate Joint Resolution No. 1315** be reset for the the Regular Calendar on June 15, 2020, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGES

***House Bill No. 394** -- Sentencing - As introduced, clarifies that a person sentenced to life imprisonment for the offense of first degree murder between November 1, 1989, and July 1, 1995, is eligible for parole after service of a minimum of 25 calendar years and those similarly sentenced after July 1, 1995, must serve a minimum of 51 calendar years before being eligible for parole. - Amends TCA Title 4; Title 37; Title 38; Title 39; Title 40 and Title 41. by *Garrett. (SB453 by *Bell, *Stevens)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 394

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The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 394 (Senate Bill No. 453) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501(h), is amended by deleting the subsection and substituting instead the following:

(h)

(1) Release eligibility for a defendant committing the offense of first degree murder on or after November 1, 1989, but prior to July 1, 1995, who receives a sentence of imprisonment for life occurs after service of sixty percent (60%) of sixty (60) years less sentence credits earned and retained by the defendant, but in no event shall a defendant sentenced to imprisonment for life be eligible for parole until the defendant has served a minimum of twenty-five (25) full calendar years of the sentence, notwithstanding the governor's power to reduce prison overcrowding pursuant to title 41, chapter 1, part 5, any sentence reduction credits authorized by § 41-21-236, or any other provision of law relating to sentence credits.

(2) There shall be no release eligibility for a person committing first degree murder, on or after July 1, 1995, and receiving a sentence of imprisonment for life. The person shall serve one hundred percent (100%) of sixty (60) years less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236 or any other law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

(3) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for first degree murder or aggravated rape of a child.

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by deleting subdivision (i)(2)(A).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Mike Bell

/s/ Representative Johnny Garrett

/s/ Senator Brian Kelsey

/s/ Representative Mary Littleton

/s/ Senator Sara Kyle

/s/ Representative Bob Freeman

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Rep. Garrett moved that the Report of the Conference Committee on **House Bill No. 394** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes 84
Noes 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hardaway, Haston, Hazlewood, Helton, Hicks, Hill M, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton--84

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2255** -- Advertising - As introduced, defines the term "off-premises device" for purposes of the Billboard Regulation and Control Act of 1972; adds a severability clause to the act; makes other related revisions to the Act. - Amends TCA Title 54, Chapter 17 and Title 54, Chapter 21. by *Lamberth, *Gant, *Howell, *Todd, *Carr, *Carter, *Moon, *Daniel, *Wright, *Hurt. (SB2188 by *Johnson, *Massey)

Senate Amendment No. 4

AMEND House Bill No. 2255 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-17-103, is amended by deleting the section and substituting instead the following:

In this chapter, unless the context otherwise requires:

(1) "Advertise" means to establish an outdoor display by painting, pasting, or affixing on any surface, a picture, emblem, word, figure, numeral, or lettering for the purpose of making anything known;

(2) "Directional sign" means an official sign that identifies a site, attraction, or activity and directional information useful to a traveler in locating the site, attraction, or activity, including mileage, route numbers, or exit numbers;

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(3) "Facility" means a commercial or industrial facility, or other facility open to the public, that operates with regular business hours on a year-round basis within a building or defined physical space, which may include a structure other than a building, together with any immediately adjacent parking areas; provided, that activity conducted in a temporary structure or a structure operated only on a seasonal basis may be considered a facility for the purpose of allowing an on-premises device to be located on the same property, but the device is only allowed on a temporary basis during the period the facility is actually conducting activity;

(4) "On-premises device" means a sign that is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located;

(5) "Outdoor advertising device":

(A) Means a sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; and

(B) Does not include a sign that is an on-premises device or other type of sign exempt from regulation under this chapter;

(6) "Scenic highway" means any highway, road, or sections of the highway or road designated as a scenic highway from time to time by the general assembly under this part; and

(7) "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of an interstate system or primary system;

SECTION 2. Tennessee Code Annotated, Section 54-17-108, is amended by deleting the section and substituting instead the following:

54-17-108. Advertising or junkyards prohibited on scenic highways -- Authority of commissioner to acquire.

(a) Whenever a road or highway has been designated part of the system, it is unlawful for any person to construct, use, operate, or maintain any sign, except as provided in subsection (c) or § 54-17-109, or junkyard within two thousand feet (2,000') of any road or highway that is a designated part of the system and that is located either outside the corporate limits of any city or town or at any place within a tourist resort county, as defined in § 42-1-301.

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(b) The commissioner is authorized to acquire an outdoor advertising device or junkyard by purchase, gift, or condemnation, and to pay just compensation for the removal of these devices and junkyards.

(c) Any outdoor advertising device lawfully in existence prior to the designation of the scenic byway may be maintained, repaired, or reconstructed according to the original application for the outdoor advertising permit.

SECTION 3. Tennessee Code Annotated, Section 54-17-109, is amended by deleting the section and substituting instead the following:

The following signs are excepted from § 54-17-108:

(1) Official signs and notices, including directional and warning signs, authorized or required by law;

(2) Utility signs; and

(3) Signs other than outdoor advertising devices, as defined in § 54-21-102, if such signs:

(A)

(i) Have a sign face that does not exceed one hundred square feet (100 sq. ft.) in total area if the sign is an on-premises device; or

(ii) Have a sign face that does not exceed twelve square feet (12 sq. ft.) in total area if the sign is not an on-premises device;

(B) Do not contain any flashing, intermittent, or moving lights; and

(C) Are located at least one thousand feet (1,000') apart along the highway frontage if the signs are on-premises devices larger than twelve square feet (12 sq. ft.) and more than one (1) such sign is located on the same property.

SECTION 4. Tennessee Code Annotated, Title 54, Chapter 17, Part 1, is amended by adding the following as a new section:

If any provision of this part or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this part which can be given effect without the invalid provision or application, and to that end the provisions of this part are declared to be severable.

SECTION 5. Tennessee Code Annotated, Section 54-17-205, is amended by deleting the section and substituting instead the following:

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54-17-205. Existing outdoor advertising structures.

(a) Whenever a road or highway has been designated part of the Tennessee parkway system, it is unlawful for any person to construct, use, operate, or maintain any sign, except as provided in subsection (c) or § 54-17-206, or junkyard within two thousand feet (2,000') of any road or highway that is a designated part of the system and that is located either outside the corporate limits of any city or town or at any place within a tourist resort county, as defined in § 42-1-301.

(b) The commissioner is authorized to acquire an outdoor advertising device or junkyard by purchase, gift, or condemnation, and to pay just compensation for the removal of these structures and junkyards.

(c) Any outdoor advertising device lawfully in existence prior to the designation of the parkway may be maintained, repaired, or reconstructed according to the original application for the outdoor advertising permit.

SECTION 6. Tennessee Code Annotated, Section 54-17-206, is amended by deleting the section and substituting instead the following:

54-17-206. Advertising structures, junkyards, and trash dumping.

(a) The provisions of the Scenic Highway System Act of 1971, compiled in part 1 of this chapter, regarding signs, outdoor advertising devices, junkyards, and trash dumping applies to the Tennessee parkway system. If a conflict exists between this part and part 1 of this chapter regarding signs, outdoor advertising devices, junkyards, and trash dumping, due to a road having been designated as being on both the scenic highway system pursuant to part 1 of this chapter and the parkway system pursuant to this part, then part 1 of this chapter shall prevail. It is the intent of the general assembly that nothing contained in this subsection (a) shall be construed as having any retroactive force or taking away any vested right or be applied to any contractual obligation.

(b) Subsection (a) shall not apply to those parts of the system lying within any comprehensively zoned area, unless otherwise provided by the zoning regulations and within one-half (1/2) mile of any section of the parkway system where it crosses an interstate highway system.

(c) The following signs are excepted from this part:

(1) Official signs and notices, including directional and warning signs, authorized or required by law;

(2) Utility signs; and

(3) Signs other than outdoor advertising devices, as defined in § 54-21-102, if such signs:

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(A)

(i) Have a sign face that does not exceed five hundred square feet (500 sq. ft.) in total area if the sign is an on-premises device; or

(ii) Have a sign face that does not exceed thirty-six square feet (36 sq. ft.) in total area if the sign is not an on-premises device;

(B) Do not contain any flashing, intermittent, or moving lights; and

(C) Are located at least one thousand feet (1,000') apart along the highway frontage if the signs are on-premises devices larger than thirty-six square feet (36 sq. ft.) and more than one (1) such sign is located on the same property.

SECTION 7. Tennessee Code Annotated, Title 54, Chapter 17, Part 2, is amended by adding the following as a new section:

If any provision of this part or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this part which can be given effect without the invalid provision or application, and to that end the provisions of this part are declared to be severable.

SECTION 8. Tennessee Code Annotated, Title 54, Chapter 21, is amended by deleting the chapter in its entirety and substituting instead the following:

54-21-101. Short title.

This chapter shall be known and may be cited as the "Outdoor Advertising Control Act of 2020."

54-21-102. Chapter definitions.

As used in this chapter:

(1) "Adjacent area" means that area within six hundred sixty feet (660') of the nearest edge of the right-of-way of interstate and primary highways and visible from the main traveled way of the interstate or primary highways;

(2) "Changeable message sign" means an outdoor advertising device that displays a series of messages at intervals by means of digital display or mechanical rotating panels;

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(3) "Commissioner" means the commissioner of transportation or the commissioner's designee;

(4) "Compensation" means the exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt;

(5) "Conforming" means an outdoor advertising device that was permitted under and conforms to the zoning, size, lighting, and spacing criteria established in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States on or about October 18, 1984, or the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-113. Any permitted outdoor advertising device that continues to conform to either the current agreement or the original agreement and conditions provided in § 54-21-113 is considered conforming;

(6) "Customary maintenance" means maintenance of a nonconforming outdoor advertising device, which may include, but shall not exceed, the replacement of the sign face and stringers in like materials, and the replacement in like materials of up to fifty percent (50%) of the device's poles, posts, or other support structures; provided, that the replacement of any poles, posts, or other support structures is limited to one (1) time within a twenty-four-month period;

(7) "Department" means the department of transportation;

(8) "Destroyed" means, with respect to a nonconforming outdoor advertising device, that, in the case of wooden sign structures, sixty percent (60%) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for replacement of the broken supports or, in the case of metal sign structures, replacement of at least thirty percent (30%) of the length above ground of each broken, bent, or twisted support;

(9) "Digital display" means a type of changeable message sign that displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;

(10) "Directional sign" means an official sign that identifies a site, attraction, or activity and directional information useful to a traveler in locating the site, attraction, or activity, including mileage, route numbers, or exit numbers;

(11) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or

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establish, but does not apply to changes of copy treatment on an existing outdoor advertising device;

(12) "Facility" means a commercial or industrial facility, or other facility open to the public, that operates with regular business hours on a year-round basis within a building or defined physical space, which may include a structure other than a building, together with any immediately adjacent parking areas; provided, that activity conducted in a temporary structure or a structure operated only on a seasonal basis may be considered a facility for the purpose of allowing an on-premises device to be located on the same property, but the device is only allowed on a temporary basis during the period the facility is actually conducting activity;

(13) "Information center" means an area or site established and maintained at a safety rest area for the purpose of informing the public of places of interest within this state and providing other information the commissioner may consider desirable;

(14) "Interstate system" means that portion of the national system of interstate and defense highways, located within this state, as officially designated, or as may hereafter be designated, by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(15) "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. "Main traveled way" does not include such facilities as frontage roads, turning roadways, or parking areas;

(16) "Nonconforming" means an outdoor advertising device that does not conform to the zoning, size, lighting, or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-113. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-113 shall not be considered nonconforming;

(17) "On-premises device" means a sign that is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located;

(18) "Outdoor advertising device":

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(A) Means a sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; and

(B) Does not include a sign that is an on-premises device or other type of sign exempt from regulation under this chapter;

(19) "Person" means and includes an individual, a partnership, an association, a corporation, or other entity;

(20) "Primary system" means that portion of connected main highways, located within this state, as officially designated, or as may hereafter be designated by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code, including highways designated as part of the national highway system and highways formerly designated as part of the federal-aid primary system;

(21) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public;

(22) "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of an interstate system or primary system;

(23) "State system" means that portion of highways located within this state, as officially designated, or as may hereafter be designated by the commissioner;

(24) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders;

(25) "Utility signs" means warning signs, notices, or markers that are customarily erected and maintained for operational and public safety purposes by publicly or privately owned utilities, railroads, ferries, airports, or other entities that provide utility or transportation services; and

(26) "Visible" means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

54-21-103. Restrictions on outdoor advertising devices on interstate and primary highways.

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(a) An outdoor advertising device shall not be erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems in this state except the following:

(1) Outdoor advertising devices located in areas that are zoned industrial or commercial under authority of local government law and whose size, lighting, and spacing are consistent with customary use as determined by agreement between the state and the secretary of transportation of the United States; and

(2) Outdoor advertising devices located in unzoned commercial or industrial areas as may be determined by agreement between the state and the secretary of transportation of the United States.

(b) The following types of signs are not subject to regulation as outdoor advertising devices under subsection (a):

(1) Official signs and notices, including directional signs, authorized or required by law;

(2) On-premises devices;

(3) Signs other than outdoor advertising devices that:

(A) Have a sign face that does not exceed thirty-six square feet (36 sq. ft.) in total area; and

(B) Do not contain any flashing, intermittent, or moving lights;

(4) Landmark signs lawfully in existence on October 22, 1965, as authorized under 23 U.S.C. § 131 and 23 CFR 750.710; and

(5) Utility signs.

54-21-104. Permits and tags -- Fees.

(a)

(1) Unless otherwise provided in this chapter, a person shall not construct, erect, operate, use, maintain, or cause or permit to be constructed, erected, operated, used, or maintained, any outdoor advertising device within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems without first obtaining from the commissioner a permit and tag.

(2) If an existing outdoor advertising device was not subject to this chapter when it was erected but is subsequently made subject to this chapter by a federal law or action that adds a highway or section of a highway to the interstate or primary highway systems, such outdoor advertising device is required to obtain a permit and tag from the commissioner as provided in subdivision (b)(2).

(3) An outdoor advertising device erected within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems between September 11, 2019, and the effective date of this act, is deemed legal conforming or legal nonconforming and is required to obtain a permit and tag from the department as provided in subdivision (b)(2).

(4) Outdoor advertising devices that were permitted under the Billboard Regulation and Control Act of 1972, compiled in this chapter as it existed prior to the effective date of this act, shall be assigned the same permit number that was given under that act.

(b)

(1) Except as otherwise provided in subdivision (b)(2), permits and tags shall not be issued until applications are made in accordance with and on forms provided by the commissioner and accompanied by payment of a fee of two hundred dollars (\$200) for each permit and tag requested. This fee represents payment for the required tag and for the first annual permit and is not subject to return upon rejection of any application. The commissioner shall use best efforts to process an application for a permit, in accordance with the rules of the department, within no greater than sixty (60) days after a completed application is received. If the application is incomplete or defective on its face, the commissioner shall notify an applicant in writing no later than fifteen (15) days of receipt of the filed application of its incomplete or defective status, and indicate the information or documentation that is needed to complete or correct the application. If a decision either to issue or deny the permit cannot be made within sixty (60) days after receipt of the completed or corrected application, the commissioner shall contact the applicant prior to the expiration of the sixty (60) days to provide an explanation of the reasons why additional time is needed to process the application.

(2) If an existing outdoor advertising device is made subject to this chapter under subdivision (a)(2) or (a)(3) or if an existing outdoor advertising device that was subject to this chapter when it was erected but is subsequently modified from its original permitted state as provided in subdivision (a)(2), the owner or operator of the outdoor advertising device shall obtain a permit and tag in the same manner as provided in subdivision (b)(1) except as follows:

(A) The application for the permit and tag must be made on an application form specifically provided for this purpose;

(B) The application form must exempt the applicant from providing:

(i) Any stake or mark on the ground showing the location of the outdoor advertising device on the real property;

(ii) A map or scaled drawing showing the property lines of the real property within which the outdoor advertising device is located, the location of the outdoor advertising device within the real property, the public roads adjacent to the real property, or the means of access to the outdoor advertising device; or

(iii) Any affidavit or other document from the real property owner verifying that the owner has granted the applicant the right to construct and operate the outdoor advertising device on the real property;

(C) The application must be accompanied by payment of a fee of seventy dollars (\$70.00) for each permit and tag requested. This fee represents payment for the required tag and for the first annual permit and is not subject to return upon rejection of any application;

(D) After a completed application is submitted to and processed by the department in accordance with this subdivision (b)(2) and the applicable provisions of the department's outdoor advertising device regulations, the department shall issue the permit, except as otherwise provided in subdivision (b)(2)(F);

(E) The department shall not deny a permit for an existing outdoor advertising device under this subdivision (b)(2) solely because the outdoor advertising device does not meet the size, lighting, spacing, or zoning criteria that are required for new outdoor advertising devices under current law and regulations;

(F)

(i) An application for a permit may be denied on other grounds under this subdivision (b)(2) only in accordance with current law or regulations, including as follows:

(a) The outdoor advertising device is located within or encroaches upon state highway right-of-way;

(b) There is no access to the outdoor advertising device for maintenance or operational purposes except by direct access from state highway right-of-way or across the state's access control limits;

(c) The applicant for the permit is subject to enforcement action under § 54-21-105(c); or

(d) Issuance of the permit would violate federal law;

(ii) Before denying a permit on any of the grounds provided in subdivision (b)(2)(F)(i), the department shall notify the applicant in writing of the violation that prevents issuance of the permit. The department shall also give the applicant a reasonable amount of time to undertake such action, if any, that would cure the violation. If the applicant cures the violation, the department shall issue the permit, but if the applicant fails to cure the violation, the department shall deny the permit;

(G) Any permit that is issued under this subdivision (b)(2) must indicate whether the outdoor advertising device is characterized and regulated as a conforming or nonconforming device under this chapter based upon the conditions and laws in effect on the date of the department's field inspection. The department shall notify the applicant in writing of the reason or reasons for characterizing a device as nonconforming; and

(H) The applicant has the right to appeal the department's decision in accordance with the department's outdoor advertising device rules and the applicable provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) An application for an addendum to an existing permit requesting authorization to upgrade an existing outdoor advertising device to a changeable message sign with a digital display, as provided in § 54-21-119, must also be accompanied by payment of a fee of two hundred dollars (\$200), which is not subject to return upon rejection of the application. An outdoor advertising device authorized by a valid permit from the department that was effective on September 10, 2019, and has been upgraded to a changeable message sign with a digital display between September 11, 2019, and the effective date of this act is required to apply for an addendum to the permit in accordance with this

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subdivision (b)(3). The department shall charge an application fee of seventy dollars (\$70.00) for the addendum to the permit and shall process the application in the same manner as provided for an original permit under subdivisions (b)(2)(E)-(H).

(4) For the purposes of issuing permits and regulating outdoor advertising devices in accordance with this chapter, the location of a permitted outdoor advertising device is determined by the location of the supporting monopole, or by the location of the supporting pole nearest to the highway in the case of a device erected on multiple supporting poles; provided, however, that where a permitted multiple-pole device may be lawfully reconstructed, the replacement of the supporting poles with a monopole is not considered a change of location requiring a new permit if:

(A) The permittee gives advance notice to, and receives the prior approval of, the department before reconstructing the outdoor advertising device;

(B) The monopole is erected within the line segment defined by the previous supporting poles; and

(C) The location of the monopole meets applicable spacing requirements.

(5) Any advertising structure existing along the parkway system by and for the sole benefit of a nonprofit organization exempt from federal income tax under 26 U.S.C. § 501(c)(3) is exempt from the payment of fees for permits or tags under this subsection (b).

(c)

(1) All tags issued are permanent; however, permits must be renewed annually between November 1 and December 31, and the commissioner shall charge the sum of seventy dollars (\$70.00) for 2021 and thereafter for annual renewal of each permit. A valid permit that was effective on September 10, 2019, shall not become invalid based on any failure to renew the permit between November 1 and December 31, 2019, and such permit shall not be subject to renewal until the renewal period occurring after the effective date of this act.

(2) In the event that a permit has not been renewed by December 31 for the following year as required by subdivision (c)(1), the permit is not considered void until the commissioner has given the permit holder notice of the failure to renew and the opportunity to correct the unlawfulness, as provided in § 54-21-105(b). The department must send the notice of the failure to renew within sixty (60) days after the failure to renew. The failure to renew may be remedied by submitting a late renewal form and paying the annual permit renewal fee together with a late fee, in the total amount of two hundred dollars (\$200), within one

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hundred twenty (120) days of receipt of the notice. If a permit holder fails to renew the permit within this one-hundred-twenty-day notice period, then the permit is void and the outdoor advertising device is considered unlawful and subject to removal as further provided in § 54-21-105. The notice given by the commissioner must include the requirements for renewal and consequences of failure to renew as provided by this subdivision (c)(2).

(d) For each permit issued, the commissioner shall deliver to the applicant a serially numbered permit tag, which must be attached on the outdoor advertising device in a manner as to be visible from the main traveled way of the interstate or primary highway. If more than one (1) side of any structure is used for an outdoor advertising device, a permit and tag is required for each side. Any outdoor advertising device sculptured in the round is considered to have three (3) sides.

(e) For each replacement tag issued, the commissioner shall deliver to the applicant a serially numbered permit tag. The cost of this replacement tag is twenty-five dollars (\$25.00), payable at the time of request.

(f) Whenever it becomes necessary to transfer a permit from one (1) permit holder to another, the department shall charge a transfer fee of ten dollars (\$10.00) to the permit holder of record.

54-21-105. Failure to comply with § 54-21-104 -- Effect.

(a)

(1) Any owner of any outdoor advertising device who has failed to act in accordance with § 54-21-104 must remove the outdoor advertising device immediately.

(2) Failure to remove the outdoor advertising device renders the outdoor advertising device a public nuisance and subject to immediate disposal, removal, or destruction.

(3) In addition, the commissioner has the authority to assess and collect from the owner a civil penalty in the amount of five hundred dollars (\$500) for each calendar day after the date that the owner is determined through a contested case hearing to have failed to act in accordance with § 54-21-104. The total amount of the civil penalty imposed each year must not exceed ten thousand dollars (\$10,000).

(4) In addition, or in lieu of subdivisions (a)(1)-(3), the commissioner may enter upon any property on which an outdoor advertising device is located and dispose of, remove, or destroy the outdoor advertising device, all without incurring any liability for those actions.

(b) Prior to invoking this section, the commissioner shall give notice either by certified mail or by personal service to the owner of the outdoor advertising device or occupant of the land on which the outdoor advertising device is located. The notice must specify the basis for the alleged unlawfulness, the remedial action that is required to correct the unlawfulness, and advise that a failure to take the remedial action or request a hearing within forty-five (45) days results in the sign being subject to removal. In addition, the commissioner must give, or have previously given, the owner or operator of the outdoor advertising device an opportunity to request a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to determine the lawfulness of the outdoor advertising device. For good cause shown, the commissioner may extend the forty-five-day period for remedial action for up to an additional one hundred fifty (150) days, so long as all advertising content is removed from the unlawful outdoor advertising device within the forty-five-day period. If advertising content is placed on the outdoor advertising device during any extended period, the outdoor advertising device may be immediately removed by the commissioner without further notice. The owner of the outdoor advertising device is liable to the state for damages equal to three (3) times the cost of removal, in addition to disgorgement of any profit and gains or benefit derived from the violation and any other applicable fees, costs, or damages. The owner of the land on which the outdoor advertising device is located shall not be presumed to be the owner of the outdoor advertising device simply because it is on the owner's property.

(c)

(1) If the department has reason to believe that a sign is being operated, in whole or part, as an outdoor advertising device without first obtaining a permit as required under § 54-21-104, the department may issue an investigative request to the owner or operator of the sign, the owner of the property, or any other person for the purpose of obtaining relevant documents or information to determine whether the sign is being operated as an outdoor advertising device.

(2) If, after being served with an investigative request by the department under subdivision (c)(1), the person provides the requested documents or information and the department determines that the sign is being operated as an outdoor advertising device in violation of §§ 54-21-103 and 54-21-104, the department shall issue a written order to the owner or operator of the outdoor advertising device explaining the basis for determining that the sign is an outdoor advertising device and directing the owner or operator of the device to remedy the violation by applying for the applicable outdoor advertising device permit, or by removing the unlawful device, as appropriate, by the date set forth in the order, which shall be no less than sixty (60) days after the date of the order.

(3) The person may appeal the department's order under subdivision (c)(2) by filing a written notice of appeal with the department

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within thirty (30) days of the date on which the order is issued. If an appeal is timely filed with the department, the department shall initiate a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to hear the person's appeal.

(4) If a person fails to comply with the department's investigative request under subdivision (c)(1), or if the department reasonably believes the documents or information provided are incomplete or inaccurate, the department may initiate a contested case proceeding under the Uniform Administrative Procedures Act to compel the production of relevant documents or information and to determine whether the outdoor advertising device is being operated in violation of §§ 54-21-103 and 54-21-104 and therefore subject to enforcement action under § 54-21-105.

54-21-106. Disposition of fees.

All fees received by the commissioner under § 54-21-104 must be paid into the state treasury and placed in the highway fund for the administration of this chapter, and any fees received in excess of those administration costs shall be allocated to the department's general fund.

54-21-107. Acquisition by commissioner of outdoor advertising devices along the interstate and primary highway systems.

(a) The commissioner is authorized to acquire by purchase, gift, or condemnation, and to pay just compensation upon the removal of the following outdoor advertising devices in areas adjacent to the interstate and primary highway systems:

(1) Those lawfully in existence on April 4, 1972; and

(2) Those lawfully erected on or after April 4, 1972.

(b)

(1) Compensation is authorized to be made only for the following:

(A) The taking from the owner of the outdoor advertising device of all right, title, leasehold, and interest in the outdoor advertising device; and

(B) The taking from the owner of the real property on which the outdoor advertising device is located, of the right to erect and maintain the outdoor advertising device on the property.

(2) If funds other than federal funds are used, the state shall follow the following order of purchasing priorities:

- (A) Volunteer nonconforming outdoor advertising devices;
- (B) Hardship situations;
- (C) Normal value signs;
- (D) Signs in areas that are designated scenic or parkway;
- (E) Product advertising on:
 - (i) Rural interstate;
 - (ii) Rural primary; and
 - (iii) Urban areas;
- (F) Non-tourist-oriented directional advertising; and
- (G) Tourist-oriented devices.

(3) All funds other than federal funds, acquired by the state from whatever source for the purpose of acquiring nonconforming outdoor advertising devices, must be appropriated by the general assembly to the department and shall not be earmarked for acquisitions at any particular location.

(4) Funds obtained from private sources not appropriated within one (1) year revert to the donor.

(5) Upon funds being made available, owners of outdoor advertising device must be notified of the availability of the funds for the purpose of volunteering nonconforming outdoor advertising devices for purchase by the state.

(c) Upon the request of the commissioner, the owner of the outdoor advertising devices and the owner of the property upon which the outdoor advertising device is located who are seeking compensation as provided under subdivisions (b)(1)(A) and (B) shall present evidence satisfactory to the commissioner that the outdoor advertising device in question was in existence or lawfully erected, as the case may be, on, before, or after the appropriate dates set out in subdivisions (a)(1) and (2). Except by court order, the commissioner shall not make any payment under subdivisions (b)(1)(A) and (B) until the proof has been presented. Notwithstanding this chapter, those outdoor advertising devices legally in existence on April 4, 1972, are entitled to remain in place and in use until compensation for removal has been made as provided in this section.

(d) In determining whether any outdoor advertising device is lawful or unlawful, any failure to have obtained a license or permit, or to have attached a

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permit, or failure to have complied with setback requirements is not a cause for declaring any outdoor advertising device unlawful. Any person having constructed, erected, operated, used, maintained, or having caused or permitted any outdoor advertising device to be constructed, erected, operated, used, or maintained, shall pay the fee prescribed by § 54-21-104; provided, that the outdoor advertising device was erected prior to April 4, 1972.

54-21-108. Restrictions on outdoor advertising devices adjacent to state highways.

(a) Control of outdoor advertising devices, as provided in §§ 54-21-103 and 54-21-104, is extended to outdoor advertising devices located beyond six hundred sixty feet (660') of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of the systems. Such outdoor advertising devices are prohibited, regardless of whether located in commercial or industrial areas, unless they are of a class or type allowed under existing law within six hundred sixty feet (660') of the edge of the right-of-way of the systems outside of commercial or industrial areas.

(b) Those outdoor advertising devices lawfully erected prior to July 1, 1976, but prohibited as of July 1, 1976, by subsection (a) shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as outdoor advertising devices lawfully erected within six hundred sixty feet (660') of the edge of the right-of-way of the federal-aid interstate and primary systems outside of commercial and industrial areas.

(c) Signs lawfully in existence on October 22, 1965, determined by the commissioner, subject to the concurrence of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

54-21-109. Damage, destruction, or removal of signs or markers on state highway system.

A person shall not erect any sign, or affix another sign to or on any sign erected under the authority of the department, on any right-of-way of any state highway without authorization from the department.

54-21-110. Information for traveling public.

In order to provide information in the specific interest of the traveling public, the commissioner is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas for the purpose of informing the public of places of interest within the state and providing other information considered desirable.

54-21-111. Power of commissioner to enforce provisions; rulemaking.

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The commissioner is given authority to and shall, within sixty (60) days of the effective date of this act, begin promulgating and enforcing only those rules as necessary to carry out this chapter and 23 U.S.C. § 131; provided, that the commissioner by rule shall establish procedures for accepting and resolving written complaints related to signs that are subject to this chapter. The rules must include:

(1) A process to make information available describing the department's procedures for complaint investigation and resolution, including making information about the procedures available on the department's website;

(2) A system to prioritize complaints so that the most serious complaints receive attention before less serious complaints; and

(3) A procedure for compiling and reporting detailed annual statistics about complaints.

54-21-112. Commissioner's authority to enter on property without penalty.

The commissioner and all employees under the commissioner's direction, in the performance of their functions and duties under this chapter, may enter into and upon any property, without penalty, upon which an outdoor advertising device is located and make examinations and surveys as may be relevant or dispose of the outdoor advertising device when disposal is provided for under this chapter.

54-21-113. Commissioner's authority to enter into agreement with secretary of transportation.

(a) The commissioner is authorized and directed to enter into agreements with the secretary of transportation of the United States regarding the definition of unzoned industrial and commercial areas; and regarding the size, lighting, and spacing of outdoor advertising devices that may be erected and maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way within the areas adjacent to the interstate and primary systems that are zoned industrial or commercial under the authority of state or local law, or in unzoned industrial or commercial areas that may be permitted in accordance with the terms of the agreement between the commissioner and the secretary of transportation of the United States. In any agreement entered into with the secretary of transportation, the commissioner reserves the right to renegotiate or make whatever modifications are necessary to conform to any subsequent amendments to the federal Highway Beautification Act of 1965, compiled in 23 U.S.C. §§ 131, 136, and 319. Any modification of the agreement with the United States department of transportation that the commissioner signed on or about November 11, 1971, or any subsequent agreement becomes effective only upon passage of an act authorizing the modification by the general assembly.

(b) The commissioner is authorized to execute a modification of the agreement signed on or about November 11, 1971, to change the maximum area for any one (1) outdoor advertising device from one thousand two hundred square feet (1,200 sq. ft.) to seven hundred seventy-five square feet (775 sq. ft.); to reduce the optional maximum square footage of outdoor advertising devices authorized in counties having a population greater than two hundred fifty thousand (250,000) from three thousand square feet (3,000 sq. ft.) to one thousand two hundred square feet (1,200 sq. ft.); to modify the agreement to change the minimum spacing of outdoor advertising devices on the interstate system and controlled access highways on the primary system from five hundred feet (500') to one thousand feet (1,000') where the same are not separated by buildings or other obstructions, so that only one (1) outdoor advertising device is visible from the highway at any one (1) time; to change the minimum spacing on noncontrolled access highways on the primary system outside the corporate limits of a municipality from three hundred feet (300') to five hundred feet (500'); and to change the minimum distance from an interchange, or intersection at grade, on the interstate system or controlled access highways on the primary system, outside incorporated cities, from five hundred feet (500') to one thousand feet (1,000'). Inside the corporate limits of a municipality, the distance between signs remains one hundred feet (100'). Permits issued prior to any change authorized for outdoor advertising devices or for outdoor advertising devices subsequently erected pursuant to the permit, that meet size, lighting, spacing, and zoning criteria are unaffected.

(c) The commissioner is further authorized to change the definition of an unzoned commercial or industrial area to provide that only those areas on which there is located one (1) or more permanent structures within which a commercial or an industrial business is actively conducted, and that are equipped with all customary utilities facilities and open to the public regularly or regularly used by employees of the business as their principal work station, or that, due to the nature of the business, are equipped, staffed, and accessible to the public as is customary, may be so defined.

(d)

(1) The commissioner is authorized to execute a modification of the agreement signed on or about November 11, 1971, to change the minimum distance from an interchange, or intersection, at grade, on the interstate system or controlled access highway on the primary system, outside incorporated cities, to five hundred feet (500') when the interchange or intersection is within two thousand five hundred feet (2,500') of an interchange or intersection, at grade, of a welcome station. This distance may be measured from that side of the interstate or controlled access highway on which the outdoor advertising is to be located if a determination is made by the commissioner that there exists a geographical feature or foliage in the median of the highway that would substantially block visibility of such outdoor advertising device from any lane of highway on the opposite side of the median.

(2) If the commissioner is formally notified by the appropriate federal offices of the United States department of transportation that as a result of any provision of this subsection (d), the state will lose federal funds or if a loss of federal funds occurs, then the provision is void and inoperative.

(3) If subsection (d) is found to be void and inoperative, or if notice is received from the United States department of transportation as provided in subdivision (d)(2), then any outdoor advertising device placed pursuant to this subsection (d) must be removed immediately by and at the expense of the owner. Failure to remove the outdoor advertising device renders the sign a public nuisance and § 54-21-105 applies. Nothing in this subsection (d) grants an absolute right in the placement of an outdoor advertising device or makes the state in any way liable under this subsection (d), if this subsection (d) is found in violation of any federal regulations as provided in subdivision (d)(2).

54-21-114. Exceptions.

This chapter does not apply to signs or markers identifying the location or depth of underground communications and power cables, water mains, gas transmission lines, and other utility facilities located within or without the boundary of the right-of-way of the interstate or primary highway systems in the state.

54-21-115. Outdoor advertising on certain interstate highways prohibited -- Penalty -- Exceptions.

No outdoor advertising device shall be erected or continued in use for the purpose of having its message read from the main traveled ways of Interstate 26 from State Route 1 in Sullivan County to State Route 67 in Washington County (formerly Interstate 181), except those portions within the boundaries of an incorporated municipality on March 3, 1994, Interstate 440 in Davidson County, Interstate 640 in Knox County, or the section of State Route 840 in Williamson County from State Route 246 to one (1) mile from the intersection with State Route 100. Failure to comply with this section renders the outdoor advertising device a nuisance, subject to immediate disposal, removal, or destruction and subject to the civil penalty and remedies provided in § 54-21-105. Valid permits for outdoor advertising devices located along Interstate 640 in Knox County issued prior to May 13, 1982, remain valid after May 13, 1982, and the holders of the permits are permitted to construct, reconstruct, maintain, or repair the outdoor advertising devices according to the original application for which a permit was issued. Valid permits for outdoor advertising devices located along Interstate 26 from State Route 1 in Sullivan County to State Route 67 in Washington County (formerly Interstate 181), issued prior to March 3, 1994, remain valid after March 3, 1994, and the holders of the permits are permitted to construct, reconstruct, maintain, or repair the outdoor advertising devices according to the original application for which a permit was issued.

54-21-116. Vegetation control permits and fees.

(a)

(1) The commissioner shall issue to the owners or holders of lawfully issued outdoor advertising device permits, which definition includes those described as legal conforming, grandfathered, and nonconforming outdoor advertising devices in federal regulations, when the face of the outdoor advertising device is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to remove, block cut, or trim vegetation located on the right-of-way adjacent to the outdoor advertising device and replace the vegetation as directed, whenever the vegetation prevents clear visibility for a distance not to exceed five hundred yards (500 yds.) to occupants of vehicles using the main traveled ways of the controlled systems. Notwithstanding this chapter to the contrary, vegetation that, on the date of erection of the outdoor advertising device, blocks the view of the outdoor advertising device, in whole or in any part, for a distance not to exceed five hundred yards (500 yds.), to occupants of vehicles using the main traveled ways, is not eligible for removal under a vegetation control permit. The maximum area to be controlled shall not exceed five hundred feet (500'). The regional engineering director for the department shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of one hundred dollars (\$100) for each face involved. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars (\$150) per face for supervision of the work. All fees received by the commissioner under this section shall be deposited to the highway fund for the administration of this part. Each subsequent year a maintenance permit may be purchased for fifty dollars (\$50.00) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit. Vegetation permits issued pursuant to the Billboard Regulation and Control Act of 1972, compiled in this chapter as it existed prior to the effective date of this act, shall be reinstated under this act. Alternatively, the owner of the device may apply for a new vegetation control permit, and the department shall issue the permit.

(2) No later than thirty (30) days from the effective date of this act, the commissioner shall develop and make available any forms necessary to apply for a permit and shall begin accepting and considering such applications. The commissioner shall use best efforts to process an application for a permit, in accordance with the rules of the department, within no greater than thirty (30) days after a completed application is received. If the application is incomplete or defective on its face, the commissioner shall notify an applicant in writing no later than fifteen (15) days of receipt of the filed application of its incomplete or defective status, and indicate the information or documentation that is needed to complete or correct the application. If a decision to approve or deny the application cannot be made within thirty (30) days after receipt of the completed or

corrected application, the commissioner shall contact the applicant prior to the expiration of the thirty (30) days to provide an explanation of the reasons why additional time is needed to process the application. If the application is approved, the applicant shall notify the commissioner of the date on which the applicant wishes the permit to be issued. The applicant shall complete the authorized vegetation control within the time period specified in the permit, and in any event, the applicant shall complete the vegetation control within one (1) year after the date on which the application was approved or the application approval and permit is void.

(b) One (1) vegetation control permit fee must be waived for those owners who voluntarily remove a nonconforming outdoor advertising device. If the nonconforming outdoor advertising device to be removed is not at least one hundred fifty square feet (150 sq. ft.) in size, two (2) nonconforming outdoor advertising devices must be removed to authorize waiver. The latter applies only when the outdoor advertising device around which control is to occur is larger than three hundred square feet (300 sq. ft.).

(c) This waiver shall not be used as evidence in any future eminent domain proceeding relating to nonconforming outdoor advertising devices.

(d) Notwithstanding any other law to the contrary, it is the legislative intent that issuance of permits and carrying out of the work pursuant to the permits are lawful activities and shall not be construed as violating any provision of law.

(e) The commissioner may revoke, suspend, or modify any vegetation control permit for cause, including violation of any terms or conditions of the permit.

54-21-117. Unauthorized removal, cutting, or trimming of vegetation.

(a) If, before obtaining an outdoor advertising device permit and a vegetation control permit, vegetation located on the right-of-way is removed, cut, or trimmed, and application is subsequently made for an outdoor advertising permit, then the commissioner may deny the permit.

(b) If, before applying for a vegetation control permit, vegetation located on the right-of-way is removed, cut, or trimmed in the vicinity of an outdoor advertising device, which action was reasonably calculated to afford greater visibility of the outdoor advertising device, then the commissioner may revoke the outdoor advertising device permit or permits for the affected outdoor advertising devices.

(c) Prior to invoking this section, the commissioner or the commissioner's designee shall advise the affected outdoor advertising device permit applicant or holder, whichever is appropriate, that a preliminary determination of illegality has been made. The party so advised must be given the opportunity to request a hearing to be conducted pursuant to contested case provisions of the Uniform

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Administrative Procedures Act, compiled in title 4, chapter 5, before the commissioner may make a final determination of illegality.

54-21-118. Restrictions on new outdoor advertising devices.

(a) After July 1, 2001, permits shall not be issued pursuant to this chapter for any new outdoor advertising device in which two (2) or more displays are stacked one (1) above the other. Outdoor advertising devices with two (2) or more displays stacked one (1) above the other that were legally erected on or before July 1, 2001, are unaffected by this subsection (a).

(b) The holder of a legal permit under subsection (a) may move the outdoor advertising device to a new location, if that location is otherwise eligible for a permit.

54-21-119. Changeable message signs.

(a) Changeable message signs may be double faced, back to back, or V-type signs.

(b) Changeable message signs with a digital display that meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:

(1) The message display time must remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;

(2) Video, continuous scrolling messages, and animation are prohibited; and

(3) The minimum spacing of the changeable message signs with a digital display facing the same direction of travel on the same side of the interstate system or controlled access highways is two thousand feet (2,000'); provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred square feet (100 sq. ft.) in total area, within a larger non-digital sign face is not subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d), or to any fee for a permit addendum as established in § 54-21-104(b).

(c) A person shall not erect, operate, use, or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the permit and tag, as provided in § 54-21-104. The department shall not require any additional permit under this subsection (c) for an outdoor advertising device with a digital display lawfully permitted, erected, and in operation prior to the effective date of this act.

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(d) A person shall not erect, operate, use, or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location as provided in § 54-21-104(b)(3).

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use, or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising device or in any nonconforming location.

(f) Notwithstanding any other law to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) has up to, but no more than, twelve (12) months after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign; provided, however, that prior to the expiration of this twelve-month period, and upon making application to the commissioner and paying an additional permit fee in the amount of two hundred dollars (\$200), the permit holder may obtain an additional twelve (12) months within which to erect and begin displaying an outdoor advertising message on the changeable message sign. This additional two-hundred-dollar fee is separate from any annual permit renewal fee required under § 54-21-104. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within the required time, or as extended, the permit or addendum to the permit will be revoked and the changeable message sign with the digital display must be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

(g) Any application for a permit or addendum for a digital display as described in this section may be made using the form for an application for permit for an outdoor advertising device existing on the effective date of this act, until a separate form is available.

(h)

(1) All changeable message signs installed on or after July 1, 2014, must come equipped with a light-sensing device that automatically adjusts the brightness in direct correlation with ambient light conditions.

(2) The brightness of light emitted from a changeable message sign must not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') for those sign faces less than or equal to three hundred square feet (300 sq. ft.), measured at a distance of two hundred feet (200') for those sign faces greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.), measured at a distance of two hundred fifty feet (250') for those sign faces greater than three hundred

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eighty-five square feet (385 sq. ft.) and less than or equal to six hundred eighty square feet (680 sq. ft.), measured at a distance of three hundred fifty feet (350') for those sign faces greater than six hundred eighty square feet (680 sq. ft.), or subject to the measuring criteria in the applicable table set forth in subdivision (h)(4).

(3) Any measurements required pursuant to this subsection (h) must be taken from a point within the highway right-of-way at a safe distance from the edge of the traveled way, at a height above the roadway that approximates a motorist's line of sight, and as close to perpendicular to the face of the changeable message sign as practical. If perpendicular measurement is not practical, valid measurements may be taken at an angle up to forty-five (45) degrees from the center point of the sign face. If measurement shows a level above that prescribed in subdivision (h)(4), the exact calculations must be provided to the sign permit holder.

(4) In the event it is found not to be practical to measure a changeable message sign at the distances prescribed in subdivision (h)(2), a measurer may opt to measure the sign at any of the alternative measuring distances described in the applicable table set forth in this subdivision (h)(4). In the event the sign measurer chooses to measure the sign using an alternative measuring distance, the prescribed foot candle level above ambient light must not exceed the prescribed level, to be determined based on the alternative measuring distances set forth in the tables in subdivisions (h)(4)(A), (B), (C), and (D), as applicable. For any measuring distance between the alternative measuring distances set forth in the following tables, the prescribed foot candle level above ambient light must not exceed the interpolated level derived from the following formula:

$$[I2 = (D2 < 2 > / D1 < 2 >) \times I1]$$

Where I1 = the prescribed foot candle level above ambient light for the measuring distance listed in the tables, I2 = the derived foot candle level above ambient light for the desired measuring distance, D1 = the desired measuring distance in feet, and D2 = the alternative measuring distance in feet listed in the tables, as follows:

(A) For changeable message signs less than or equal to three hundred square feet (300 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	0.68
125	0.43
150	0.3

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200	0.17
250	0.11
275	0.09
300	0.08
325	0.06
350	0.06
400	0.04

(B) For changeable message signs greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
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100	1.2
125	0.77
150	0.53
200	0.3
250	0.19
275	0.16
300	0.13
325	0.11
350	0.1
400	0.08

(C) For changeable message signs greater than three hundred eighty-five square feet (385 sq. ft.) but less than or equal to six hundred eighty square feet (680 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
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100	1.88
-----	------

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125	1.2
150	0.83
200	0.47
250	0.3
275	0.25
300	0.21
325	0.18
350	0.15
400	0.12

(D) For changeable message signs greater than six hundred eighty square feet (680 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	3.675
125	2.35
150	1.63
200	0.92
250	0.59
275	0.49
300	0.41
325	0.35
350	0.3
400	0.23
425	0.2
450	0.18

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(5) This subsection (h) applies to all changeable message signs located in this state operated pursuant to a permit issued by the commissioner.

54-21-120. Removal of nonconforming device that is destroyed.

A nonconforming outdoor advertising device that is destroyed is no longer permitted and must be removed, except when the outdoor advertising device is destroyed by vandalism or some other criminal or tortious act.

SECTION 9. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 10. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. Notwithstanding any law to the contrary, if the department of transportation receives documentation from a federal agency that compliance with a provision of this act jeopardizes federal funding or grant money for the department, then the department shall promulgate emergency rules to address the area of noncompliance with the federal law referenced in the federal agency documentation. The department shall comply with each provision of this act that does not jeopardize the federal funding or grant money. The emergency rules promulgated pursuant to this section may conflict with and take precedence over statutory provisions to effectuate the purposes of this section. The commissioner of transportation shall deliver to the executive secretary of the Tennessee code commission a copy of the documentation from the federal agency.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 2255 by deleting the following in the amendatory language of Section 1:

(4) "On-premises device" means a sign that is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located;

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and substituting instead the following:

(4) "On-premises device" means a sign:

(A) That is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located; and

(B) For which compensation is not being received and not intended to be received;

AND FURTHER AMEND by deleting the following in § 54-21-102 in the amendatory language of Section 8:

(17) "On-premises device" means a sign that is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of

property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located;

and substituting instead the following:

(17) "On-premises device" means a sign:

(A) That is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the facility that owns or operates the sign or within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the entrance to the parcel of property upon which two (2) or more facilities are located; and

(B) For which compensation is not being received and not intended to be received;

AND FURTHER AMEND by adding the following as a new subdivision (25) in § 54-21-102 in the amendatory language of Section 8, and renumbering existing subdivision (25) and the remaining subdivisions accordingly:

(25) "Unzoned commercial or industrial area"

(A) Means an area on which there is located one (1) or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, regardless of whether a permanent structure exists, and includes the area along the highway extending outward six hundred feet (600 ft.) from and beyond the

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edge of such activity in each direction and a corresponding zone directly across a primary highway that is not also a limited access highway when the area is not primarily residential in character or a:

- (i) Public park;
- (ii) Public playground;
- (iii) Public recreational area;
- (iv) Public forest, wildlife, or waterfowl refuge;
- (v) Historic scenic area; or
- (vi) Cemetery;

(B) Does not include land across the highway from a commercial or industrial activity when the highway is an interstate or controlled access primary highway;

(C) Must be measured from the outer edges of the regularly used buildings, parking lots, storage, processing, or landscaped areas of the commercial or industrial activity, not from the property lines of the activity, and the measurements must be along or parallel to the edge of the pavement of the highway; and

(D) Does not include the following activities conducted within the area, when considered for purposes of outdoor advertising:

- (i) Outdoor advertising structures;
- (ii) Agricultural, forestry, ranching, grazing, farming, and related activities, including wayside fresh produce stands;
- (iii) Transient or temporary activities;
- (iv) Activities not visible from the main traveled way;
- (v) Activities more than six hundred sixty feet (660 ft.) from the nearest edge of the right-of-way;
- (vi) Activities conducted in a building primarily used as a residence; and
- (vii) Railroad tracks and minor sidings;

AND FURTHER AMEND by deleting the language "thirty-six square feet (36 sq. ft.)" wherever it appears in § 54-17-206(c)(3) in the amendatory language of Section 6 and substituting instead the language "twenty square feet (20 sq. ft.)".

AND FURTHER AMEND by deleting the language "thirty-six square feet (36 sq. ft.)" in § 54-21-103(b)(3)(A) in the amendatory language of Section 8 and substituting instead the language "twenty square feet (20 sq. ft.)".

AND FURTHER AMEND by deleting the language "ten thousand dollars (\$10,000)" in § 54-21-105(a)(3) in the amendatory language of Section 8 and substituting instead the language "five thousand dollars (\$5,000)".

Senate Amendment No. 5

AMEND House Bill No. 2255 by deleting the following language in the definition of "unzoned commercial or industrial area" in § 54-21-102 in the amendatory language of Section 8:

Means an area on which there is located one (1) or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, regardless of whether a permanent structure exists,

and substituting instead the language:

Means an area on which there is located one (1) or more permanent structures within which a commercial or industrial business is actively conducted, and which is equipped with all customary utilities facilities and open to the public regularly or regularly used by employees of the business as their principal work station, or which, due to the nature of the business, is equipped, staffed, and accessible to the public as necessary,

Rep. Howell moved that the House concur in Senate Amendments Nos.4, 3 and 5 to **House Bill No. 2255**, which motion prevailed by the following vote:

Ayes	84
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hardaway, Haston, Hazlewood, Helton, Hicks, Hill M, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth,

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Leatherwood, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton--84

UNFINISHED BUSINESS

SPECIAL ORDER

Rep. Farmer moved to take up House Bill No. 2842 out of order, which motion prevailed.

***House Bill No. 2842** -- Lottery, Charitable - As introduced, authorizes qualified nonprofit organizations to file an application to operate an annual event in the July 1, 2020, to June 30, 2021, fiscal year. - Amends TCA Title 3. by *Farmer, *Carter, *Hicks, *Lamberth, *Love. (SB2667 by Briggs)

On motion, House Bill No. 2842 was made to conform with **Senate Bill No. 2667**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 2667 be passed on third and final consideration.

Rep. Keisling moved State Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Farmer moved that **Senate Bill No. 2667** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes.....	7
Present and not voting.....	4

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Calfee, Carr, Casada, Cepicky, Clemmons, Cochran, Crawford, Curcio, Daniel, DeBerry, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hardaway, Hazlewood, Helton, Hicks, Hill M, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton--73

Representatives voting no were: Dixie, Doggett, Dunn, Grills, Haston, Holt, Stewart--7

Representatives present and not voting were: Byrd, Chism, Johnson G, Rudd--4

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A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended in order to allow **House Bill No. 2930** to be heard in the Finance, Ways & Means Subcommittee next week, which motion prevailed.

RULES SUSPENDED

Rep. Lamberth moved all bills calendared for Finance, Ways and Means Subcommittee today that were rolled to the next calendar be heard in Finance, Ways and Means Subcommittee next week, which motion prevailed.

RULES SUSPENDED

Rep. Lamberth moved all bills calendared for Finance, Ways and Means Committee today that were rolled to the next calendar be heard in Finance, Ways and Means Committee next week, which motion prevailed.

RULES SUSPENDED

Without objection, Rep. Lamberth moved that the following rules be suspended for the remainder of the 2020 Legislative Session:

Rule No. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

Rule No. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and/or automatically placed on the next Message Calendar;

Rule No. 71: the 24-hour rule requiring all amendments to be available to members 24 hours before consideration on the floor;

Rule No. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

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MOTION TO PLACE BILL ON CALENDAR

Rep. Hardaway moved that **House Bill No. 1482** be placed on the Regular Calendar for June 15, 2020, which motion prevailed.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on **House Bill No. 2542** and have this statement entered in the Journal: Reps. Jernigan, G. Johnson and Staples.

CLERK'S NOTE TO JOURNAL

Pursuant to **Rule No. 20**, Reps. Lynn and Hawk were excused from Session on Thursday, June 11, 2020.

ANNOUNCEMENTS

REPORTS FILED

The Clerk announced that the 2019 Law Enforcement - Related Deaths Publications, the Resource Map Expenditures for TN Children Covering FY 18-19 and the TBI 2019 Crime on Campus Report have been filed with the Clerk's office and are available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 343 Reps. Doggett, Haston, Weaver, Tillis, Ragan, Rudd, Hulsey, Eldridge, Grills, Todd, Holt, Griffey, Bricken, Leatherwood, J. Sexton, Crawford, Daniel, Littleton, Moody, Calfee, Cepicky and Rudder as prime sponsors.

House Bill No. 1548 Reps. Thompson, Stewart, Chism and Sparks as prime sponsors.

House Bill No. 1577 Reps. Ogles and Littleton as prime sponsors.

House Bill No. 1672 Rep. Marsh as prime sponsor.

House Bill No. 2131 Reps. Whitson and Hazlewood as prime sponsors.

House Bill No. 2136 Rep. Staples as prime sponsor.

House Bill No. 2163 Rep. DeBerry as prime sponsor.

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House Bill No. 2246 Rep. Williams as prime sponsor.

House Bill No. 2350 Rep. Hardaway as prime sponsor.

House Bill No. 2458 Rep. Daniel as prime sponsor.

House Bill No. 2623 Reps. Zachary, Terry and Gant as prime sponsors.

House Bill No. 2768 Reps. Russell and Calfee as prime sponsors.

House Bill No. 2935 Rep. Powell as First prime sponsor.

House Bill No. 2935 Rep. Stewart as prime sponsor.

House Bill No. 2936 Rep. Love as First prime sponsor.

SPONSORS REMOVED

On Motion, Rep. Moon was removed as sponsor of **House Joint Resolution No. 1229**.

ENROLLED BILLS

June 11, 2020

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1642, 2028, 2120, 2266 and 2907; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

SIGNED

June 11, 2020

The Speaker announced that he had signed the following: House Bills Nos. 1642, 2028, 2120, 2266 and 2907.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

June 11, 2020

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1754, 1766, 1967, 2153, 2268, 2300, 2320, 2332, 2473, 2503 and 2880; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

June 11, 2020

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THURSDAY, JUNE 11, 2020 - SIXTY-NINTH LEGISLATIVE DAY UNOFFICIAL VERSION

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1123, 1357, 2049, 2140, 2202, 2378 and 2533; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
June 11, 2020**

The Speaker announced that he had signed the following: Senate Bills Nos. 1123, 1357, 2049, 2140, 2202, 2378 and 2533.

TAMMY LETZLER, Chief Clerk

**SIGNED
June 11, 2020**

The Speaker announced that he had signed the following: Senate Bills Nos. 1754, 1766, 1967, 2153, 2268, 2300, 2320, 2332, 2473, 2503 and 2880.

TAMMY LETZLER, Chief Clerk

**ENROLLED BILLS
June 11, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 336, 337 and 338; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
June 11, 2020**

The Speaker announced that he had signed the following: House Resolutions Nos. 336, 337 and 338.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
June 11, 2020**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 2726; House Joint Resolutions Nos. 1223, 1224 and 1225.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

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THURSDAY, JUNE 11, 2020 - SIXTY-NINTH LEGISLATIVE DAY UNOFFICIAL VERSION

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1210 and 1211; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
June 11, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 1210 and 1211; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
June 11, 2020**

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1210 and 1211.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1210 and 1211; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
June 11, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094 and 1095; for his action.

GREG GLASS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK
June 11, 2020**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1210 and 1211; for his action.

GREG GLASS, Chief Engrossing Clerk

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

MESSAGE FROM THE GOVERNOR
June 11, 2020

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1210 and 1211; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

MESSAGE FROM THE SENATE
June 11, 2020

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1775, 1974, 2313, 2520 and 2937; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 1775** -- Mobile Homes and Manufactured Buildings - As introduced, removes the commissioner of the department of commerce and insurance's ability to establish a monitoring inspection fee paid by manufactured home manufacturers. - Amends TCA Title 55; Title 67 and Title 68. by *Massey, *Gresham, *Niceley, *Pody, *Stevens. (HB2201 by *Tillis, *Whitson)

***Senate Bill No. 1974** -- Education - As introduced, clarifies that the powers and authority of the state building commission with respect to construction or demolition projects undertaken by foundations created for the benefit of the state universities originally governed by the board of regents still apply, after the restructuring of the board of regents, to foundations created for the benefit of state universities governed by local governing boards of trustees. - Amends TCA Title 4 and Title 49. by *Gresham. (HB2470 by *Dunn, *White, *Cepicky)

***Senate Bill No. 2313** -- Public Records - As introduced, requires a state agency, institution, and political subdivision to post the electronic mail communications policy on the website of the agency, institution, and political subdivision. - Amends amend TCA Title 8, Chapter 4, Part 6 and Title 10, Chapter 7. by *Gardenhire, *Gresham, *Pody. (HB2578 by *Carter, *Sparks, *Lamberth)

***Senate Bill No. 2520** -- Employees, Employers - As introduced, enacts the "Tennessee Pregnant Workers Fairness Act." - Amends TCA Title 50. by *Massey, *Akbari, *Dickerson, *Gilmore, *Crowe, *Briggs, *Yarbro. (HB2708 by *Hurt, *Coley, *Freeman, *Hazlewood, *Hill M, *Littleton, *Boyd, *Love, *Clemmons, *Holsclaw, *Towns, *Helton, *Sparks, *Camper, *Dunn)

***Senate Bill No. 2937** -- Sullivan County - Subject to local approval, enacts the Sullivan County Financial Management System of 2020. by *Lundberg, *Crowe. (HB2933 by *Hulsey)

MESSAGE FROM THE SENATE
June 11, 2020

MR. SPEAKER: I am directed to return to the House, House Bill No. 1980; substituted for Senate Bill on same subject and passed by the Senate.

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RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Bill No. 656; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 1214; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1750; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 2461, 2588 and 2909; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1198, 1199, 1200, 1201, 1202, 1204, 1205, 1206, 1207 and 1212; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
June 11, 2020**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

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ENROLLED BILLS
June 11, 2020

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191 and 1192; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

SIGNED
June 11, 2020

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191 and 1192.

GREG GLASS, Chief Engrossing Clerk

SIGNED
June 11, 2020

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 841, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1316, 1317 and 1345.

TAMMY LETZLER, Chief Clerk

MESSAGE FROM THE SENATE
June 11, 2020

MR. SPEAKER: I am directed to transmit to the House, HB1699. The Senate refused to recede from its action in nonconcurring in House Amendment(s) No. 3.

RUSSELL A. HUMPHREY, Chief Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 86

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

THURSDAY, JUNE 11, 2020 - SIXTY-NINTH LEGISLATIVE DAY UNOFFICIAL VERSION

Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Grills, Hakeem, Halford, Hardaway, Haston, Hazlewood, Helton, Hicks, Hill M, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton -- 86

RECESS

On motion of Rep. Lamberth, the House stood in recess until 6:00 p.m., Monday, June 15, 2020.

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